

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

-----X
MANU J. TEJWANI,

08 CV 02966 (SCR)(GAY)

Plaintiff,

-against-

VERIFIED ANSWER

UNITED AIRLINES INC.; UAL CORPORATION,

Defendants.

-----X

The defendants, UNITED AIR LINES, INC. s/h/a UNITED AIRLINES, INC. and UAL CORPORATION (hereinafter "UNITED" and "UAL") as set forth the following as and for their Verified Answer to Plaintiff's Complaint:

1. Denies the allegations contained in the paragraph numbered "1" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

2. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "2" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

3. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "3" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

4. Denies the allegations contained in the paragraph numbered "4" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

5. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "5" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

6. Denies the allegations contained in the paragraph numbered “6” of the plaintiff’s Complaint and respectfully refers all matters of law contained therein to the Court.

7. Denies the allegations contained in the paragraph numbered “7” of the plaintiff’s Complaint and respectfully refers all matters of law contained therein to the Court.

8. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered “8” of the plaintiff’s Complaint and respectfully refers all matters of law contained therein to the Court.

9. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered “9” of the plaintiff’s Complaint and respectfully refers all matters of law contained therein to the Court.

10. Admits the allegations contained in the paragraph numbered “10” of the plaintiff’s Complaint to the extent that UAL is a Delaware corporation and that UAL is the parent company of its wholly-owned subsidiary UNITED and UNITED is engaged in the interstate air transportation of passengers for hire.

11. Admits allegations contained in the paragraph numbered “11” of the plaintiff’s Complaint to the extent that UNITED is a Delaware corporation, is engaged in the interstate air transportation of passengers for hire, and has operations at LAX airport.

12. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered “12” of the plaintiff’s Complaint and respectfully refers all matters of law contained therein to the Court.

13. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered “13” of the plaintiff’s Complaint and respectfully refers all matters of law contained therein to the Court.

14. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "14" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

15. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "15" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

16. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "16" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

17. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "17" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

18. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "18" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

19. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "19" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

20. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "20" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

21. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "21" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

22. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "22" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

23. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "23" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

24. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "24" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

25. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "25" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

26. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "26" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

27. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "27" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

28. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "28" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

29. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "29" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

30. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "30" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

31. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "31" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

32. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "32" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

33. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "33" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

34. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "34" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

35. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "35" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

36. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "36" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

37. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "37" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

38. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered “38” of the plaintiff’s Complaint and respectfully refers all matters of law contained therein to the Court.

39. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered “39” of the plaintiff’s Complaint and respectfully refers all matters of law contained therein to the Court.

40. Denies the allegations contained in the paragraph numbered “40” of the plaintiff’s Complaint and respectfully refers all matters of law contained therein to the Court.

41. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered “41” of the plaintiff’s Complaint and respectfully refers all matters of law contained therein to the Court.

42. Denies the allegations contained in the paragraph numbered “42” of the plaintiff’s Complaint and respectfully refers all matters of law contained therein to the Court.

43. Denies the allegations contained in the paragraph numbered “43” of the plaintiff’s Complaint and respectfully refers all matters of law contained therein to the Court.

44. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered “44” of the plaintiff’s Complaint and respectfully refers all matters of law contained therein to the Court.

45. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered “45” of the plaintiff’s Complaint and respectfully refers all matters of law contained therein to the Court.

46. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered “46” of the plaintiff’s Complaint and respectfully refers all matters of law contained therein to the Court.

47. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "47" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

48. Denies the allegations contained in the paragraph numbered "48" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

49. Denies the allegations contained in the paragraph numbered "49" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

50. Denies the allegations contained in the paragraph numbered "50" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

51. Denies the allegations contained in the paragraph numbered "51" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

52. Denies the allegations contained in the paragraph numbered "52" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

53. Denies the allegations contained in the paragraph numbered "53" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

AS AND FOR AN ANSWER TO THE FIRST CAUSE OF ACTION

54. Repeats, reiterates and realleges each and every admission and denial as is contained therein in response to the allegations contained in the paragraphs numbered "1" through "53" of the plaintiff's Complaint.

55. Denies knowledge and information sufficient to form a belief as to the allegations contained in the paragraph numbered "55" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

56. Denies the allegations contained in the paragraph numbered "56" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

57. Denies the allegations contained in the paragraph numbered "57" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

58. Denies the allegations contained in the paragraph numbered "58" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

AS AND FOR AN ANSWER TO THE SECOND CAUSE OF ACTION

59. Repeats, reiterates and realleges each and every admission and denial as is contained therein in response to the allegations contained in the paragraphs numbered "1" through "58" of the plaintiff's Complaint.

60. Denies the allegations contained in the paragraph numbered "60" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

61. Denies the allegations contained in the paragraph numbered "61" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

AS AND FOR AN ANSWER TO THE THIRD CAUSE OF ACTION

62. Repeats, reiterates and realleges each and every admission and denial as is contained therein in response to the allegations contained in the paragraphs numbered "1" through "61" of the plaintiff's Complaint.

63. Denies the allegations contained in the paragraph numbered "63" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

64. Denies the allegations contained in the paragraph numbered "64" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

65. Denies the allegations contained in the paragraph numbered "65" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

66. Denies the allegations contained in the paragraph numbered "66" of the plaintiff's Complaint and respectfully refers all matters of law contained therein to the Court.

AS AND FOR AN ANSWER TO THE FOURTH CAUSE OF ACTION

67. Repeats, reiterates and realleges each and every admission and denial as is contained therein in response to the allegations contained in the paragraphs numbered “1” through “66” of the plaintiff’s Complaint.

68. Denies the allegations contained in the paragraph numbered “68” of the plaintiff’s Complaint and respectfully refers all matters of law contained therein to the Court.

69. Denies the allegations contained in the paragraph numbered “69” of the plaintiff’s Complaint and respectfully refers all matters of law contained therein to the Court.

70. Denies the allegations contained in the paragraph numbered “70” of the plaintiff’s Complaint and respectfully refers all matters of law contained therein to the Court.

71. Denies the allegations contained in the paragraph numbered “71” of the plaintiff’s Complaint and respectfully refers all matters of law contained therein to the Court.

72. Denies the allegations contained in the paragraph numbered “72” of the plaintiff’s Complaint and respectfully refers all matters of law contained therein to the Court.

AS AND FOR A FIRST DEFENSE

73. Plaintiff’s Complaint fails to allege facts sufficient to state an actionable cause of action against UNITED and UAL.

AS AND FOR A SECOND DEFENSE

74. That the Federal Aviation Act of 1958, P.L. 85-726, 72 Stat. 731, formerly codified at 49 U.S.C. Section 1301, et. seq., now recodified and incorporated into 49 U.S.C. 40101, et. seq., together with the amendments to same and the regulations promulgated thereunder, establish the uniform and exclusive standards that air carriers must follow with

respect to aviation safety and security and such federal standards implicitly pre-empt any State common law or statutory standards purporting to govern same.

75. UNITED's and UAL's compliance with the aforesaid federal standards precludes a finding of liability against them.

AS AND FOR A THIRD DEFENSE

76. That if any of Plaintiff's claims relate to rates, routes or services as set forth in the 1978 Airline Deregulation Act, formerly codified as 49 U.S.C. 1305, now recodified and incorporated into 49 U.S.C. 41713(b)(1), then Plaintiff's right to assert such claims are pre-empted by same.

AS AND FOR A FOURTH DEFENSE

77. That if the Plaintiff intends to assert that common law or statutory law of the individual States requires air carrier to implement security procedures that are different from the obligations imposed by the aforestated federal statutes and regulations, that claim must be dismissed since it would constitute an unconstitutional burden on interstate air commerce.

AS AND FOR A FIFTH DEFENSE

78. That Plaintiff's remedy is limited by tariff and the contract of carriage.

AS AND FOR A SIXTH DEFENSE

79. That UNITED's and UAL's actions and decisions were justified.

AS AND FOR A SEVENTH DEFENSE

80. That if the Plaintiff suffered damages in the manner set forth in Plaintiff's Complaint then said damages were caused and/or contributed to by reason of Plaintiff's culpable conduct and accordingly, Plaintiff's damages, if any, must be reduced in accordance with Plaintiff's relative percentage of fault.

AS AND FOR AN EIGHTH DEFENSE

81. Pursuant to CPLR Article 16, the Defendants hereby demand that the liability, if any, of the defendants be limited to the equitable share of the defendant in accordance with the relative culpability of each and every party or non-party, causing or contributing to the total liability for non-economic loss. If Defendants' liability is found to be fifty percent or less of total liability assigned to all liable persons due to Plaintiff's failure to join a necessary tortfeasor, Plaintiff's non-economic recovery shall be limited to the percentage of Defendants' liability.

AS AND FOR A NINTH DEFENSE

82. That if Plaintiff asserts a claim for any past or future cost or expense incurred or to be incurred for medical care, dental care, custodial care or rehabilitative services, loss of earnings or other economic loss, then if the cost of same is replaced or indemnified in whole or in part for collateral sources such as defined in Section 4545(c) of the New York Civil Practice Law and Rules and, if any, damages are recoverable against the answering defendants for same, then the amount of such damages should be reduced by the amount of benefits which Plaintiff has or will receive from such collateral source.

AS AND FOR A TENTH DEFENSE

83. UNITED and UAL reserve the right to add affirmative defenses as necessary based on information obtained during investigation or discovery.

AS AND FOR AN ELEVENTH DEFENSE

84. That to the extent that any of the separate defenses to the allegations of the Plaintiff's Complaint asserted herein on behalf of UNITED and UAL are deemed affirmative defenses, they are specifically realleged, reiterated and incorporated herein as affirmative defenses.

WHEREFORE, defendants, UNITED AIR LINES, INC. s/h/a UNITED AIRLINES, INC. and UAL CORPORATION, demand judgment dismissing the plaintiff's Complaint together with the costs and disbursements of this action.

Dated: New York, New York
April 21, 2008

QUIRK AND BAKALOR, P.C.

By: Brian P. Sexton
Brian P. Sexton, Esq. (BPS 2883)
Attorneys for Defendants
UNITED AIR LINES, INC. s/h/a UNITED
AIRLINES, INC. and UAL CORPORATION
845 Third Avenue, 15th Floor
New York, New York 10022
(212) 319-1000

TO: MANU J. TEJWANI
Plaintiff Pro Se
1327 Ethan Court
Yorktown Heights, N.Y. 10509
(914) 962-0679

ATTORNEY VERIFICATION

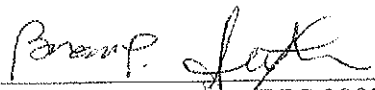
BRIAN P. SEXTON, an attorney admitted to practice in the Courts of the State of New York and the District Court for the Southern District of New York hereby affirms under the penalties of perjury:

I am a member of the firm Quirk and Bakalor, P.C., attorneys for defendants, **UNITED AIR LINES, INC.** and **UAL CORPORATION**, in the within action.

I have read the foregoing Verified Answer and know the contents thereof to be true, to my knowledge, except as to those matters alleged to be upon information and belief, which matters I believe to be true.

This verification is made by your affirmant because the defendants, **UNITED AIR LINES, INC.** and **UAL CORPORATION**, reside outside the county in which your affirmant's office is located.

Dated: New York, New York
April 21, 2008



Brian P. Sexton, Esq. (BPS 2883)

☐ Certification By Attorney
☐ Attorney's Affirmation

certify that the within
has been compared by me with the original and found to be true and complete copy
state that I am
the attorney(s) of record for
in the within
action; I have read the foregoing
and know the contents thereof;
the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters
I believe it to be true. The reason this verification is made by me and not by

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated: _____
The name signed must be printed beneath

STATE OF NEW YORK, COUNTY OF

ss.:

I, the undersigned, being duly sworn, depose and say: I am

☐ Individual Verification
☐ Corporate Verification

in the action; I have read the foregoing
and know the contents thereof; the same is true to my own knowledge, except
as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.
the
of
a
corporation and a party in the within action; I have read the foregoing
and know the contents thereof; and the same is true to my own knowledge,
except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true. This
verification is made by me because the above party is a corporation and I am an officer thereof.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Sworn to before me on _____
The name signed must be printed beneath

STATE OF NEW YORK, COUNTY OF NEW YORK

ss.:

(If more than one box is checked—indicate after names type of service used.)

I, the undersigned, being sworn, say: I am not a party to the action, am over 18 years of age and reside at NEW YORK, NEW YORK

April 22, 2008

VERIFIED ANSWER

On _____ I served the within
☒ Service By Mail
☐ Personal Service on Individual
☐ Service by Electronic Means
☐ Overnight Delivery Service

by mailing a copy to each of the following persons at the last known address set forth after each name below.
by delivering a true copy of each personally to each person named below at the address indicated. I knew each person served
to be the person mentioned and described in said papers as a party therein;
by transmitting a copy to the following persons by ☐ FAX at the telephone number set forth after each name below ☐ E-MAIL
at the E-Mail address set forth after each name below, which was designated by the attorney for such purpose, and by mailing a
copy to the address set forth after each name.
by dispatching a copy by overnight delivery to each of the following persons at the last known address set forth after each name
below.

MANU J. TEJWANI
Plaintiff Pro Se
1327 Ethan Court
Yorktown Heights, New York 10509
(914) 962-0679

Sworn to before me on
April 22, 2008

SUSAN B. CLEARWATER
Notary Public, State of New York
No. 31-4874749
Qualified in New York County
Commission Expires October 6, 2010

The name signed must be printed beneath

TIFFANY KEYS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Index No. 08 CV 02960 (SCR)(GAY) Year

MANU J. TEJWANI,

Plaintiff,

- against -

UNITED AIRLINES, INC.; UAL CORPORATION,

Defendants.

VERIFIED ANSWER

QUIRK AND BAKALOR, P.C.
Defendants,
Attorney(s) for UNITED AIR LINES, INC. & UAL
CORPORATION
Office and Post Office Address, Telephone

845 Third Avenue
NEW YORK, NEW YORK 10022
(212) 319-1000

To

Signature (Rule 130-1.1-a)

Print name beneath

Service of a copy of the within is hereby admitted.

Attorney(s) for

Dated: _____

PLEASE TAKE NOTICE:

☐ NOTICE OF ENTRY

that the within is a (*certified*) true copy of a
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order
will be presented for settlement to the HON.
within named Court, at
on _____ at _____ M.

of which the within is a true copy
one of the judges of the

Dated,